REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action dated August 23, 2004. Claims 1-43 are pending. Claims 1-43 are rejected. Accordingly, claims 1-43 remain pending in the present application.

A telephone interview was held on October 12, 2005, between Examiner Delgado and Attorney for the Applicants. During the interview, the differences between Mayes (US 6,510,154) and the amended claims were discussed. Namely, the router taught by Mayes fails to teach or suggest the functionality of the "server" recited in the independent claims.

In response to Applicant's arguments in the Final Office Action, the Examiner stated "the function of the server that is being claimed by the Applicant (i.e. making it possible for a first node to receive a file from a second node) is consistent with the service provided by a router as known in the art.

Although the Examiner is entitled to give pending claims their broadest reasonable interpretation during examination, that interpretation must be consistent both with the Specification and with the interpretation that those skilled in the art would reach. MPEP 2111. It is respectfully submitted that the Examiner's interpreting the claimed "server" to read on Mayes' router is overbroad because it is not consistent with either the interpretation supported by the Specification or by the interpretation that those skilled in the art would reach.

The present invention is described in Applicant's Specification in the context of a first node within a peer-to-peer network sending a search request for files to a server on a public network, determining by the server that the file is stored on a second node; determining by the server that the first and second nodes are part of the same private

network; and instructing the second node to transfer the file to the first node over the private network instead of the public network.

In contrast, Mayes discloses a conventional router on a local network that routes packets between the nodes within that local network. It is respectfully submitted that one of ordinary skill in the art will readily recognize after reading Applicant's disclosure that the function of a server to determine which nodes in a peer-to-peer network contain a file and then instructing one node to send the file to another node if they are determined to be on the same private network occurs at a high layer of the Open Systems Interconnection (OSI) model (e.g., layer 7), while the function of a router routing packets during data transmission as in Mayes occurs at a low-level layer of the OSI model (e.g., layer 4). Because Applicant's Specification does not disclose or contemplate an embodiment describing transfer of packets, and because one of ordinary skill in the art would readily recognize that a router cannot perform traditional functions of a server, such as hosting a web site or "receiving a search request for a file," the Examiner's interpretation that the functions of the claimed server is consistent with the service provided by the router is overbroad and improper, as discussed more fully below.

The claims stand rejected 1-43 under 35 USC §102(e) as being anticipated by US patent number 6,510,154 by Mayes et al. Applicant respectfully disagrees.

The present invention provides a method and system for optimizing private network file transfers in a public peer-to-peer network, such that client nodes that are part of the same private network 16 share files by transferring the files within the private network 16, rather than transferring the files over the public network 10 (via the Internet). This is accomplished by registering the client nodes with a server, using the

server to recognize when two nodes that need to transfer a file belong to the same private network, and causing the two nodes to send their request/responses to each other through their private network, rather than going through the Internet.

In contrast, Mayes is directed to a method and system for translating local IP addresses to globally unique IP addresses. This allows local hosts in an enterprise network to share global IP addresses from a limited pool of such addresses available to the enterprise. Mayes fails to teach or suggest the combination of elements recited in independent claims 1, 13, 25, and 37.

Although the Examiner contends that Mayes teaches a method for optimizing private network "enterprise network" file transfers and a peer-to-peer public network, Mayes in fact has nothing at all to do with peer-to-peer networks and therefore fails to teach or suggest a "method for optimizing private network file transfers in a peer-to-peer public network, the peer-to-peer public network including a server and a plurality of nodes," as recited in claim 1. Mayes describes that private networks are commonly connected to the Internet through one or more routers so that hosts on the private network can communicate with nodes on the Internet, but Applicant has performed a search on Mayes, and Mayes fails to include the terms "peer" or "peer-to-peer". As defined in the present application, "in a peer-to-peer network, all workstations and computers in the network may access servers to all other users on the network (page 2, line 23 to page 3, line 1). It is believed that Maye's nodes fail to perform this function.

The present invention recites a server on the public network (e.g., the Internet) and two client nodes of the peer-to-peer network on the same private network. The Examiner repeatedly cites Mayes col. 4, lines 55 through col. 5, line 5 for teaching the elements of the present invention. However, this passage of Mayes merely recites:

> FIG. 2 shows a network arrangement 32 employing a network address translation system 34 of the present invention. Translation system 34 acts as a connection between an enterprise network 36 and the Internet 38. On the Internet side, translation system 34 connects to an Internet router 40 via a line 42. Internet router 40, in turn, connects to Internet destinations 44 through a line 46. On the enterprise network side, translation system 34 connects to a router 48 via a line 50. Router 48 is, in turn, linked to various nodes on the enterprise network 36 including node 52 (via line 54) and node 56 (via line 58).
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> As an example, assume that node 52 sends packets 60a and 60b to router 48 along line 54. Packet 60a is destined for the Internet as indicated by a packet header 62. In contrast, packet 60b is destined to for a node on the enterprise network as indicated by packet header 64. Upon receiving packets 60a and 60b, router 48 then routes packet 60b along line 58 to node 56 and routes packet 60a along line 50 to translation system 34.

It is respectfully submitted that Mayes' router is not analogous to the claimed "server" because the router is part of the enterprise network along with the two nodes, rather than being on the Internet and fails to perform the recited functions of the server. Mayes teaches that the router forwards packet 60a destined for the Internet to the translation system, and forwards packet 60b destined for a node on the enterprise network to the node.

The router merely receives packets sent from nodes, and therefore fails to "receive a *search request*" from one of the nodes in the enterprise network, and then, "determine that the file is stored on a second node in the enterprise network." Maye's node 52 sends packet 60b destined for another node on the enterprise network without any prompting. Therefore, the node 52 can be said to have started the file transfer to the other node without any determination by the router that the first and second nodes are part of the same private network; and without the router "*instructing*" the node 52 to transfer the file to the other node, as required by claims 1, 13, 25, and 37.

Absent any teaching or suggestion to the contrary, it is believed that independent claims 1, 13, 25, and 37 are allowable over Mayes.

It is also respectfully submitted that Mayes' translation system 34 is not analogous to the claimed "server" because the translation system 34 is not part of the peer-to-peer network; appears to straddle the Internet and the enterprise network, rather than being separate from the enterprise network; and the translation system fails to perform the recited functions of the server.

For example, the translation system 34 does not "receive a *search request*" from one of the nodes in the enterprise network. Mayes fails to teach or suggest any components that searches. In response to the search request for the file, Mayes' translation system further fails to "determine that the files stored on a second node in the enterprise network; determine that the first and second nodes are part of the same private network; and *instruct* the second node to transfer the file to the first node," as recited in claims 1, 13, 25, and 37.

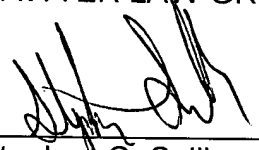
The arguments above apply with full force and effect to the remaining dependent claims because they are based on allowable independent claims. Therefore, the dependent claims are allowable for at least the same reasons as the independent claims.

In view of the foregoing, it is submitted that claims 1-43 are allowable over the cited reference. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1-43 as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP



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Stephen G. Sullivan
Attorney for Applicant(s)
Reg. No. 38,329
(650) 493-4540